IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 11288 of 1998

Between:

Syed Tajuddin, S/o Syed Imamuddin, age: 45 yrs,
working as Conductor in APSRTC, Yadagirigutta Bus Depot,

R/o Yadagirigutta.

... PETITIONER

AND

1 The Presiding Officer,
Labour Court-III, Hyderabad.
2 The Depot Manager,
A.P.S.R.T.C, Miryalaguda, Nalgonda Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of a writ of Mandamus modifying the Award passed by the 1st respondent herein in I.D.No.290/94 dt: 6-8-1997 and thereby waiving the punishment of stoppage of three increments with cumulative effect and granting full-back wages to the petitioner.

Counsel for the Petitioner: MR.V.R.BALACHARI

Counsel for the Respondent No.1 : GP FOR LABOUR

Counsel for the Respondent No.2: MR.V.T.M.PRASAD

The Court made the following :

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ORAL ORDER:

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This writ petition is directed against the award dated 6.08.1997 passed by the Labour Court-III, Hyderabad, in I.D.No.290 of 1994, wherein, the order of removal passed by the management was set aside and the petitioner was directed to be reinstated into service with continuity of service and with all attendant benefits, but inflicted a punishment of stoppage of three annual increments with cumulative effect and without back wages. Having not satisfied with the said award, this writ petition is filed.

I have gone through the award passed by the Labour Court. I am of the considered opinion that the Labour Court itself had taken a lenient view of the matter though the mis-conduct on the part of the petitioner was serious in nature. The charge against the petitioner in substance was that the petitioner having collected requisite fare from three passengers, had issued used tickets (reissued tickets) which were issued from ex.stages 1 to 3 and also ex.stages 1 to 3/4, whereas, the passengers in question were traveling from ex.stages 13 to 11, and apart from non-issuance of ticket to one passenger who boarded the bus at ex.stage 12 and was traveling to ex.stage 11, and was found without ticket at the alighting point at Nellikal. Further, the petitioner also closed the SR against those stages. Therefore, the misconduct committed by the petitioner amounts to preponderance of the offence and it is of a very serious consequence defrauding the revenue of the corporation. However, the Labour Court while exercising its powers under Section 11-A of the Industrial Disputes Act, 1947, took a lenient view of the matter holding that the punishment imposed by the management was disproportionate to that of the misconduct alleged. No ground is made out to interfere with the award passed by the Labour Court to grant any further relief. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

4th October, 2004

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To

1 The Presiding Officer,
Labour Court-III, Hyderabad.

2 The Depot Manager,
A.P.S.R.T.C, Miryalaguda, Nalgonda Dist.

3. Two C.Cs. to the G.P. for Labour,

High Court buildings, Hyderabad, (OUT)

4. Two C.D.copies.